

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte THOMAS E. COOK,
MICHAEL D. ESSENMACHER and CLARK A. GOODRICH

Appeal No. 2004-1045
Application 09/282,129

ON BRIEF

Before JERRY SMITH, BARRETT, and OWENS, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

DECISION ON APPEAL

This appeal is from the examiner's refusal to allow claims 1, 2, 10-13, 15-17, 25-29, 35-39 and 44-46 as amended after final rejection. Claims 3-5, 7-9, 14, 18-20, 22-24, 30-32,

34, 40, 41, 43 and 47 have been allowed. The rejection of claim 13 is withdrawn in the examiner's answer (pages 5-6). Claims 6, 21, 33 and 42 have been canceled.

THE INVENTION

The appellants claim a method, system and article of manufacture for displaying a two-dimensional window as a three-dimensional window on a display screen of a computer system. Claim 1, directed toward the method, is illustrative:

1. A method for displaying a window in a two-dimensional display screen, said method comprising:

providing at least one two-dimensional window for display in said two-dimensional display screen, each two-dimensional window of said at least one two-dimensional window comprising a plurality of selectable frame edges;

responsive to user input, displaying said at least one two-dimensional window in three dimensions within said two-dimensional display screen;

wherein said user input comprises allowing a user to interactively designate said at least one two-dimensional window for display in said three dimensions within said two-dimensional display screen;

wherein said allowing comprises generating a pointing indicator on said display screen superimposed over a currently visible two-dimensional window, said pointing indicator coupled to a pointing device for moving said pointing indicator in response to manipulation by said user, and changing said

v. Sumitomo Elec. U.S.A. Inc., 868 F.2d 1251, 1255-56, 9 USPQ2d 1962, 1965 (Fed. Cir. 1989).

Each of the independent claims requires changing a currently visible two-dimensional window to display as a three-dimensional window by swinging the two-dimensional window to a three-dimensional window display in response to user selection with a pointing indicator of one frame edge of a plurality of selectable frame edges of the two-dimensional window.

Horvitz discloses a method for changing a currently visible two-dimensional window to display as a three-dimensional window by selecting a perspective-transform left button (66) or a perspective-transform right button (68) at the top of the window next to the title bar (col. 12, lines 1-5 and 51-53; col. 13, lines 11-13; figure 3).² Alternatively, a single multiple control window transform button (710) at the top of the window next to the title bar can be clicked and dragged in the direction of the desired display plane (col. 15, lines 28-36). This dragging causes an arrow to be displayed in the direction of drag

² The window also can be displayed at the top or the bottom of the display screen (col. 11, lines 8-16).

motion (col. 15, lines 36-38). Release of the mouse button when the arrow is displayed causes the window to appear to fling to the plane pointed to by the selection arrow (col. 15, lines 40-48).

The examiner argues that Horvitz's method for changing a currently visible two-dimensional window to display as a three-dimensional window "comprises swinging two-dimensional window to said three-dimensional window display in response to user selection of one frame edge of said two dimensional window with said pointing indicator (column 14, lines 51-65 and column 24, lines 20-27)" (answer, page 4). The first of these portions of Horvitz describes changing a two-dimensional window to display as a three-dimensional window using the above-discussed perspective-transform right button. The second of these portions does not pertain to how the three-dimensional window is obtained. Thus, these portions do not disclose selecting a frame edge or swinging the two-dimensional window.

The examiner argues that "the title bar (Manager of figure 3) which contains the buttons (66), (68) is considered as one frame edge of the plurality of selectable frame edges of two

dimensional window Manager at figure 3" (answer, pages 6-7). The appellants' window frame edge, however, is the window border (specification, page 20, lines 7-8), and Horvitz's buttons 66 and 68 are not part of the border but, rather, are inside it. Also, the appellants' claim 1 requires that the plurality of selectable frame edges are on the same window, whereas Horvitz's frame edges relied upon by the examiner (answer, page 7) are on different windows (figure 3).

As for the swinging of the window, the examiner argues that "either transforming a two dimensional window to a three dimensional window or moving a two dimensional window to a three dimensional window' suggests the swinging motion as claimed" (answer, page 7). This argument that Horvitz would have suggested the appellants' swinging is directed toward an obviousness rejection under 35 U.S.C. § 103, whereas the claims are rejected on the ground that the claimed invention is anticipated under 35 U.S.C. § 102(e). The examiner has not made a rejection under 35 U.S.C. § 103 wherein the examiner explains why it would have been *prima facie* obvious to one of ordinary skill in the art to select a window frame edge (which was known

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for other purposes such as changing the size of the window) so as to produce the appellants' swinging. Nor has the examiner pointed out, in support of the rejection under 35 U.S.C. § 102(e), where Horvitz discloses such swinging.

For the above reasons we find that the examiner has not carried the burden of establishing a *prima facie* case of anticipation of the appellants' claimed invention.

DECISION

The rejection of claims 1, 2, 10-12, 15-17, 25-29, 35-39 and 44-46 under 35 U.S.C. § 102(e) over Horvitz is reversed.

REVERSED

JERRY SMITH)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
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LEE E. BARRETT)	APPEALS AND
Administrative Patent Judge)	
)	INTERFERENCES
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TERRY J. OWENS)	
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